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AN ACT

RELATING TO LICENSING; REVISING LICENSING REQUIREMENTS FOR  
HOISTING OPERATORS AND MEMBERSHIP IN THE HOISTING OPERATORS  
LICENSURE EXAMINING COUNCIL; ESTABLISHING THE HOISTING  
OPERATORS SAFETY ACT FUND; AMENDING, REPEALING AND ENACTING  
SECTIONS OF THE HOISTING OPERATORS SAFETY ACT; MAKING AN  
APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 60-15-4 NMSA 1978 (being Laws 1993,  
Chapter 183, Section 4, as amended) is amended to read:

"60-15-4. LICENSE REQUIRED.--

A. No person shall operate hoisting equipment in  
construction, demolition or excavation work when the hoisting  
equipment is used to hoist or lower individuals or material  
unless the person is licensed under the Hoisting Operators  
Safety Act or is exempt pursuant to Subsection M of Section  
60-15-3 NMSA 1978.

B. A person who has successfully completed an  
in-house training course approved by the hoisting operators  
licensure examining council may operate hoisting equipment  
without a license as required by Subsection A of this section  
for a period of one year after successful completion of that  
course. One year after successful completion of an in-house  
training course approved by the council, a person must be

1 licensed pursuant to Section 60-15-7 NMSA 1978, except that  
2 the requirement for passing a written examination pursuant to  
3 that section shall be waived.

4 C. The operator's employer is subject to  
5 applicable regulations controlling the use and operation of  
6 cranes as promulgated by the occupational safety and health  
7 administration, the mine safety and health administration or  
8 the American national standards institute."

9 Section 2. Section 60-15-12 NMSA 1978 (being Laws 1993,  
10 Chapter 183, Section 12, as amended) is amended to read:

11 "60-15-12. LICENSURE DENIAL, SUSPENSION OR REVOCATION--  
12 HEARING--APPEALS.--The superintendent shall, before denying a  
13 license to an applicant, or revoking or suspending a license  
14 for a violation of any provision of the Hoisting Operators  
15 Safety Act, provide for a hearing pursuant to the provisions  
16 of the Uniform Licensing Act."

17 Section 3. Section 60-15-14 NMSA 1978 (being Laws 1993,  
18 Chapter 183, Section 14, as amended) is amended to read:

19 "60-15-14. HOISTING OPERATORS LICENSURE EXAMINING  
20 COUNCIL--APPOINTED.--The "hoisting operators licensure  
21 examining council" is created. The superintendent shall  
22 appoint no fewer than five members to the council with  
23 consideration being given to geographical representation.  
24 One member of the council shall be a class I hoisting  
25 operator; another member of the council shall be a

1 contractor, as defined by Section 60-13-3 NMSA 1978, who  
2 employs one or more hoisting operators; one member shall be a  
3 representative of organized labor; and the other members  
4 shall be public members who are not licensed hoisting  
5 operators. The members of the council shall serve at the  
6 pleasure of the superintendent and their duties shall  
7 include:

8 A. reviewing and approving the applications,  
9 qualifications and examinations of applicants for licensure  
10 as hoisting operators and recommending to the superintendent  
11 whether licensure should be granted based on their evaluation  
12 of the operating experience and competence of the applicants;

13 B. reporting findings and recommendations from the  
14 hearings to the superintendent; and

15 C. proceeding according to regulations adopted by  
16 the department."

17 Section 4. A new section of the Hoisting Operators  
18 Safety Act is enacted to read:

19 "HOISTING OPERATORS SAFETY ACT FUND CREATED--PURPOSE--  
20 APPROPRIATION.--

21 A. The "Hoisting Operators Safety Act fund" is  
22 created in the state treasury. The fund shall consist of  
23 legislative appropriations to the fund; fees charged by the  
24 department pursuant to the Hoisting Operators Safety Act;  
25 gifts, grants, donations and bequests to the fund; and income

1 from investment of the fund. Money in the fund shall not  
2 revert to any other fund at the end of a fiscal year.

3 B. The fund shall be administered by the  
4 department, and money in the fund is appropriated to the  
5 department for the purpose of carrying out the provisions of  
6 the Hoisting Operators Safety Act. Expenditures from the  
7 fund shall be made on warrants drawn by the secretary of  
8 finance and administration pursuant to vouchers signed by the  
9 superintendent or the superintendent's authorized  
10 representative."

11 Section 5. REPEAL.--Section 60-15-5 NMSA 1978 (being  
12 Laws 1993, Chapter 183, Section 5, as amended) is repealed.

13 Section 6. EFFECTIVE DATE.--The effective date of the  
14 provisions of this act is July 1, 2006. \_\_\_\_\_

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